



CITY COUNCIL AGENDA

SEPTEMBER 18, 2007

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting
(no earlier than 3:30 p.m.)
- **Invocation (District 8)**
Rev. Ellen Grace O'Brian, Spiritual Director of the Center for Spiritual Enlightenment
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

- * ADJOURNMENT: This meeting will be adjourned in memory of:
 - Rachel Rivera, a Community Worker for Santa Clara County who was involved with the North Valley and Alum Rock Leagues. She was rewarded the Santa Clara County Hero Award and was loved by many. (Campos)
 - Marty Peterson, a long time San José resident and activist, who served on the City's Mobile Home Advisory Commission and the Senior Citizens Commission. She passed away on August 27th in Rancho Mirage, California. (Chirco)
 - James (Jimmy) Richard Wells, son of long-time City of San José employee Diana Jamison, passed tragically in a motorcycle accident. He was a former Golden Gloves champion and veteran of Desert Storm, spending four years in the Persian Gulf. (Chirco)
- Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the City's Finance Department's Deputy Director and General Services Department Fleet Manager for incorporating exemplary pollution prevention practices into municipal operations. (Environmental Services)
*
- 1.2 Presentation of a commendation to the Small Business Ambassador Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
- 1.3 Presentation of a proclamation declaring September 21, 2007 as the "International Day of Peace". (Cortese)
(Rules Committee referral 9/5/07)
- 1.4 Presentation of a proclamation declaring September 17-21, 2007 as Pollution Prevention Week and recognizing the City's continuous efforts to implement pollution prevention practices into its operations. (Mayor/Williams)
- 1.5 Presentation of a commendation to Yves Zsutty, Parks, Recreation and Neighborhood Services Trail Manager for receiving a number of awards and recognition for his commitments to the City organization. (Parks, Recreation and Neighborhood Services)
- 1.6 Presentation of a proclamation declaring September 21, 2007 as "National POW/MIA Recognition Day" in the City of San José. (Mayor/Cortese)
*
(Rules Committee referral 9/12/07)
- 1.7 Presentation of a proclamation declaring September 18, 2007 as United Air Force Day in the City of San José. (Mayor/Cortese)
*
(Rules Committee referral 9/12/07)
- 1.8 Presentation of a commendation to Outlook Video for their commitment to providing quality programming focusing on the LGBT community and broader issues affecting all Bay Area residents. (Olvierio)
*
(Rules Committee referral 9/12/07)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

2.3 [Approval to amend the Newsstand and General Merchandise Agreement and Lease at the Airport.](#)

Recommendation: Approval of a third amendment agreement to the Newsstand and General Merchandise Agreement and Lease with DFS Group L.P., extending the term of the Lease on a month-to-month basis for a term not to go beyond December 31, 2009. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-157. (Airport)

2.4 [Approval of a ground lease with Southwest Airlines at the Airport.](#)

[Supplemental](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a 20-year ground lease with Southwest Airlines for the construction and operation of a provisioning and ground equipment storage and maintenance facility on the southeast corner of Mineta San José International Airport, with interim rent of approximately \$8,594.50 per month until the earlier of the issuance of the certificate of occupancy or 12 months from the lease commencement date, and subsequent rent of approximately \$17,189 per month, subject to annual increases in the Consumer Price Index or 3%, whichever is lower, and adjustment by appraisal every 5 years. CEQA: Resolution Nos. 67380 and 71451, File No. PP07-176. (Airport)

2.5 [Approval of actions related to explosive detection canine teams at the Airport.](#)

- * **Recommendation:** Adoption of a Resolution:
 - (a) Authorizing the City Manager to negotiate and execute Assistance Modification Number Eleven to the Cooperative Agreement with the Transportation Security Administration to partially reimburse Airport funded Police Department costs for four explosive detection canine teams starting October 1, 2007 for a total amount not to exceed \$200,000 per year at the Norman Y. Mineta San José International Airport; and,
 - (b) Authorizing the City Manager to negotiate and execute Assistance Modifications to the Cooperative Agreement for future years in an annual amount not to exceed \$200,000 on the same terms and conditions as the Cooperative Agreement.CEQA: Not a Project. (Airport)

2.6 [Approval of fiscal actions related to the Park Trust Fund.](#)

Recommendation:

- (a) Adoption of the following Appropriation Ordinance Amendments in the Park Trust Fund (Fund 375):
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services in the amount of \$85,000 for the TRAIL: Penitencia Creek - Viceroy Avenue Intersection project.
 - (2) Decrease Ending Fund Balance by \$85,000.

2. CONSENT CALENDAR

2.6 Approval of fiscal actions related to the Park Trust Fund. (Cont'd.)

Recommendation:

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund - Parks Purposes Council District 4 (Fund 381):

- (1) Decrease the Beginning Fund Balance by \$61,000.
- (2) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Penitencia Creek - Viceroy Avenue Intersection project by \$61,000.

CEQA: Exempt, File No. PP05-067. Council District 4. (City Manager's Office/Parks, Recreation and Neighborhood Services)

2.7 Report on bids and award of contract for the Installation of Potable and Non-Potable Water Services and Mains.

Supplemental

Recommendation: Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2007-2008 to the lowest responsive bidder, San José Water Company, for the estimated term of December 2007 to January 2009, in an amount not to exceed \$612,527.13. CEQA: Exempt, File No. PP05-130. (Environmental Services)

2.8 Report on bids and award of contract for the Water Pollution Control Plant TPS VFD Replacement Project.

Supplemental

Recommendation: Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, FY 2007/2008 TPS VFD Replacement Project," to the low bidder, Blocka Construction, Inc., in the amount of \$192,000; and approval of a contingency in the amount of \$19,000 for a total agreement amount not to exceed \$211,000. CEQA: Exempt, File No. PP07-154. (Environmental Services)

2.9 Acceptance of a grant related to a compliance check program for sex offenders.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to accept the Comprehensive Approaches to Sex Offender Management grant award from the Bureau of Justice Assistance in the amount of \$250,000, and authorizing the City Manager to negotiate and execute any necessary documents.
- (b) Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources resolution amendments in the General Fund:
 - (1) Establish a city-wide appropriation to the Police Department for the Comprehensive Approaches to Sex Offender Management grant in the amount of \$250,000; and

(2) Increase the estimate for Revenue from Federal Government by \$250,000.
CEQA: Not a Project. (Police/City Manager's Office)

2.10 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:

- (a) Increase the estimate for Earned Revenue by \$848,300.
- (b) Increase the appropriation to the Department of Transportation for the NBD's Banner project (PSM #378, Amendment 3) in the amount of \$30,000.
- (c) Increase the appropriation to the Department of Public Works for the University Neighborhood Phase 2 Pedestrian Streetlights project (PSM #479, Amendment 1) in the amount of \$798,300.
- (d) Increase the appropriation to the Department of Transportation for the Additional Contingency Services project (PSM #499) in the amount of \$20,000.

CEQA: Exempt, File No. PP07-160. Council District 3. SNI: University. (Public Works/Transportation/City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – August 22, 2007 Mayor Reed, Chair

- (a) City Council
 - (1) Review August 28, 2007 City Council Agenda
 - (2) Review September 4, 2007 Draft City Council Agenda

None – Meeting Canceled
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) SB 264 (Alquist) – Transaction and Use Taxes
HEARD BY COUNCIL 8/28/07 – ITEM 3.8
AB 444 (Hancock) – Motor Vehicle Registration Fees.
(Transportation)
 - (b) SB 375 (Steinberg) – Regional Preferred Growth Scenarios.
(Planning, Building and Code Enforcement)
HEARD BY COUNCIL 8/28/07 – ITEM 3.9
 - (c) 2007 League of California Cities Resolutions. (City Manager)
HEARD BY COUNCIL 8/28/07 – ITEM 3.10
 - (2) Federal
- (d) Meeting Schedules
 - (1) Scheduling of Council Appointee Reviews. (Mayor)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Rules and Open Government Committee – August 22, 2007 (Cont'd.) Mayor Reed, Chair

- (d) (2) Approve Redevelopment Agency Board Budget Study Sessions:
 - (a) Redevelopment Agency Study Session on the FY 2007-08 Redevelopment Agency Capital Improvement Budget on September 6, 2007 from 9:00 a.m. – Noon;
 - (b) Redevelopment Agency Study Session on San José McEnery Convention Center Expansion on November 13, 2007 from 8:00 a.m. – Noon. (Redevelopment Agency)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Arts Commission Appointment. (Williams)
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Proposal for a citywide inclusionary transit-oriented housing policy. (Liccardo/Campos/Chirco/Nguyen)
 - (2) Discussion of the decision to join the City of San Francisco in the Amicus Brief regarding California Supreme Court Case No. S147999 re: the constitutionality of same sex marriages. (City Attorney)
Continued from June 20, 2007
Deferred from August 15, 2007
 - (3) Referral of an Audit of the Emergency Communications Center. (City Auditor)
 - (4) Discussion of audit and follow up alternatives for maintaining service levels of History Park in compliance with Mayor's Budget Addendum #4. (Mayor)
- (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development Committee
 - (2) Neighborhood Services and Education Committee
 - (a) Add item entitled, "Grants Policy and an Emergency Grants Policy and Procedure" to the September 13, 2007 agenda.
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

3.2 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair

3. STRATEGIC SUPPORT SERVICES

3.3 [Approval to implement the terms of the award resulting from the interest arbitration.](#)

Recommendation: Adoption of a resolution to implement the terms of the award resulting from the interest arbitration between the City and the International Association of Firefighters, Local 230, and authorizing the City Manager to execute the award. CEQA: Not a Project. (City Manager's Office)

3.4 [Approval of staff's response to the Civil Grand Jury Report regarding the City's Emergency Communications System Support Fee.](#)

Recommendation: Approval of staff's response to the Civil Grand Jury Report regarding the City's Emergency Communications System Support Fee. CEQA: Not a Project. (Finance)

3.5 [Approval of revised Travel Policy.](#)

Recommendation: Adoption of a resolution approving a revised City Council Policy No. 9-5, "Travel by Elected and Appointed City Officials". (City Attorney/City Clerk)
* (Deferred from 9/11/07 – Item 3.7)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Community & Economic Development Committee
Councilmember Pyle, Chair**

4.2 **ADMINISTRATIVE HEARING related to the appeal of Condition No. 15.f in
Planned Development Permit No. PD05-069 relating to the SE corner of Hostetter
Road and Sierra Creek Way.**

Recommendation: ADMINISTRATIVE HEARING on appeal and adoption of a resolution denying the appeal and approving staff's recommendation to reduce the required reimbursement in Condition No. 15.f of Planned Development Permit No. PD05-069 which requires reimbursement to the City of its costs of traffic improvements for the construction of six single-family detached units on an 0.83 gross acre site at the SE corner of Hostetter Road and Sierra Creek Way, from \$548,268 to \$341,349 (a reduction of \$206,919). CEQA: Mitigated Negative Declaration. Council District 4. (Public Works/Planning, Building and Code Enforcement)
(Deferred from 8/21/07 – Item 4.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Approval of actions related to the Hillsdale Townhomes Project.

Supplemental

* **Recommendation:**

- (a) Adoption of a resolution:
 - (1) Expanding the Housing Department's existing Acquisition/Rehabilitation Policy to include those projects that include a minimum of 10% ELI (extremely low-income) units and involve a reasonable cost to the City in order to help the City meet its affordable housing goals;
 - (2) Approving the use of the Housing Department's Acquisition Loan product to projects involving the acquisition of existing residential buildings;
- (b) Adoption of a resolution:
 - (1) Approving a funding commitment of up to \$4,275,000 to Mid-Peninsula Housing Coalition, or its designated affiliate, for the acquisition and rehabilitation of 48 townhome units, the Hillsdale Townhomes project, that is located at the Southwest corner of Hillsdale and Meridian Avenues; and
 - (2) Finding that use of 20% Low and Moderate-Income Housing Funds for the Hillsdale Townhomes project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Exempt, File No. PP07-179. Council District 9. (Housing)

4.4 Approval of actions related to the San José Family Shelter Affordable Housing Project.

* **Recommendation:**

- (a) Adoption of the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund for 2007-2008:
 - (1) Decrease the Ending Fund Balance by \$100,000.
 - (2) Establish an appropriation for Predevelopment Grants and Loans in the amount of \$100,000.
- (b) Adoption of a resolution:
 - (1) Converting to a grant all principal and accrued interest totaling approximately \$2,480,053 on a loan to Family Supportive Housing, Inc., formerly known as Concern For The Poor, Inc., or designee, for the acquisition, construction, and permanent financing of the existing San José Family Shelter project located at 1590 Las Plumas Avenue.
 - (2) Approving an additional \$100,000 grant from the Multi-Source Housing Fund to Family Supportive Services for additional predevelopment expenses related to the New San José Family Shelter's development, and authorizing the Director of Housing to negotiate and execute all documents for this grant.

CEQA: Not a Project. Council District 3. (Housing)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 [Public Hearing and approval of the 2006-2007 Consolidated Annual Performance Evaluation Report.](#)

[Supplemental](#)

Recommendation: Public Hearing and approval of the 2006-2007 Consolidated Annual Performance Evaluation Report. CEQA: Not a Project. (Housing)

4.6 **Approval of actions related to the Arts Stabilization Loan Fund.**

Recommendation: Approval of the recommendations of the Arts Commission regarding the Arts Stabilization Loan Fund, as modified by the Offices of Economic Development and Cultural Affairs, and direct the City Manager to implement the revised Arts Commission recommendations. CEQA: Not a Project. (Economic Development) [Community and Economic Development Committee referral 8/27/07 – Item (h)]

* (Deferred from 9/11/07 – Item 4.2)

RECOMMEND DEFERRAL TO 10/2/07 PER ADMINISTRATION

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair**

6. TRANSPORTATION & AVIATION SERVICES

6.1 **Report of the Transportation and Environment Committee Councilmember Williams, Chair**

6.2 **Approval of an agreement with Our City Forest for tree related services.**

* **Recommendation:**

- (a) Adoption of a Resolution authorizing the City Manager to negotiate and execute the following grant agreements and lease agreement with Our City Forest :
 - (1) An Annual Operating Grant Agreement for 2007-08, not to exceed One-Hundred Forty-Three Thousand (\$143,000) dollars;
 - (2) A Matching Grant Agreement in an amount not to exceed One-Hundred Twenty Thousand (\$120,000) dollars for Our City Forest to apply towards its local match required to secure the AmeriCorps Grant; and
 - (3) A Lease Agreement allowing Our City Forest to use office space, at below market rate, in the City-owned building at 151 W. Mission Street from October 1, 2007 to September 30, 2008, with an option for the City to extend the lease on a month-to-month basis thereafter for up to a maximum of two additional years.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval of an agreement with Our City Forest for tree related services. (Cont'd)

Recommendation:

- (b) Adoption of a Resolution finding Our City Forest exempt from the provision in Council Policy 7-1 that requires non-profit agencies to fund repair and maintenance costs for any City-owned facility they lease from the City at a below market rate.
- (c) Direction to the Administration to incorporate future grant requests for tree-related services through the annual budget process.

CEQA: Exempt, File No. PP04-313. (City Manager's Office/Transportation)

* **RECOMMEND DEFERRAL TO 9/25/07 PER ADMINISTRATION**

6.3 Residential Traffic Calming Community Hearings.

Recommendation: As recommended by the Rules and Open Government Committee of September 12, 2007:

- (a) Initiate a series of Residential Traffic Calming Community Hearings to begin immediately and end in December 2007.
- (b) The Residential Traffic Calming Community Hearings be chaired by Councilmember Oliverio.
- (c) The Traffic Calming Chair will require staff support from DOT and Public Safety. This team will develop a work plan, hold community meetings, and report results to the Transportation and Environment Committee in December 2007.
- (d) The Chair will work with Councilmembers to optimize the number of meetings.
- (e) Amend the Transportation and Environment Committee work plan to allow Councilmember Oliverio to make a report in December 2007.

(Mayor)

* [Rules Committee referral 9/12/07 – Item A(1)(a)]

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 [Acceptance of the City Attorney's Response to June 21, 2007 direction from the City Council on legal issues pertaining to additional authority for the Independent Police Auditor.](#)

[Supplemental
Joint Mayor/Council Memo](#)

- * **Recommendation:** Acceptance of the City Attorney's Office report in response to Council direction on June 21, 2007, regarding the existing review authority of the Independent Police Auditor under the Charter and the Municipal Code, and the legal issues associated with granting additional authority for in-custody deaths and critical incidents. CEQA: Not a Project. (City Attorney/Independent Police Auditor)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

8.2 [Acceptance of staff's response to the Civil Grand Jury's report entitled "Police Misconduct May Be Underreported."](#)

[Memo from IPA
Joint Mayor/Council Memo](#)

- * **Recommendation:** Acceptance of the City Council's formal response to the 2006-2007 Santa Clara County Civil Grand Jury's report entitled "Police Misconduct May Be Underreported". CEQA: Not a Project. (City Manager's Office/City Attorney/Independent Police Auditor)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 Approval to purchase certain City and Redevelopment Agency Insurance Policies.

Supplemental

- * **Recommendation:** Approval of purchase of insurance policies for the period October 1, 2007 to October 1, 2008 at a cost not to exceed \$2,600,000 by the Director of Human Resources with the following insurance carriers:
- (a) Property Insurance: Property; FM Global to achieve the \$1 Billion limit desired. (City and Agency)
 - (b) Boiler and Machinery: FM Global. (City and Agency)
 - (c) Airport Owners and Operators Liability: ACE Property & Casualty Insurance Company and Lloyds of London. (City)
 - (d) Secondary Employment Law Enforcement Professional Liability: Arch Specialty Insurance Company. (City)
 - (e) Automobile Liability (Airport/WPCP) and Airport Shuttle Bus: St. Paul/Travelers. (City)
 - (f) Police Aircraft and Hull: Westchester Fire Insurance Company. (City)
- CEQA: Not a Project. (Human Resources)

- Notice of City Engineer's Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9923	East side of Almaden Road, 800 feet north of Curtner Avenue	6	DHP Almaden Investors, LLC	12 Lots/ 11 Units	Single Family Detached	Approve

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9952	Area generally bounded by Cottle Rd, Monterey Hwy, Highway 85 and Manasas Rd.	2	Hitachi Global Storage	31 Lots	Residential Commercial Industrial Park

- Notice of City Engineer's Award of Construction Projects

* In accordance with Council Resolution No. 73532, the construction Contract Process Streamlining Policy approved on December 5, 2006, the following is a list of projects that were awarded or rejected by the Director of Public Works in August 2007:

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Falls Creek Park	8	Suarez & Munoz Construction, Inc.	\$563,949	8/13/07

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.